Texas Department of Insurance
Division of Workers' Compensation
Medical Fee Dispute Resolution, MS-48
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645
512-804-4000 telephone • 512-804-4811 fax • www.tdi.texas.gov

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name
CLEAR LAKE REGIONAL MEDICAL CENTER
C/O SUZANNE CHAPMAN

Respondent Name
ZURICH AMERICAN INSURANCE CO

MFDR Tracking Number
M4-14-1237-01

Carrier's Austin Representative Box
Box Number: 19

MFDR Date Received
JANUARY 3, 2014

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Patient present to ER and admitted to Clear Lake Regional Patient provide work comp info. We notified KARA at Zurich auth for IP admit advised to use pt claim #. The adjuster is Amy Marcele. Medical records were sent and the claim denied for invalid authorization #. Reviewed MIDAS – unable to locate phone # for KARA to contact. Claim denied 3/06/13 for invalid auth. Called 719-590-8719 – spoke to Monique – she gave me adjuster Amy Marcele s [sic] phone # 214-866-1109 – she said we did not obtain precert and they will not pay as TX WC required precert for IP stay and was not obtained. She said we did not try to obtain auth until 11/29/12 after discharge. I explained we originally contracted KARA and she said she does not know KARA. Per Casemanager [sic] clinicals were faxed as requested.

Amount in Dispute: $10,655.71

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The provider's request was not datestamped [sic] as received by DWC MRD until 1/13/14. Consequently, it is not timely as to the DOS as issue per Rule 133.307(c). The provider has failed to invoke the jurisdiction of DWC MRD as to these dates. Please dismiss."

Response Submitted by: Flahive, Ogden & Latson

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
November 27, 2012 through November 28, 2012	Inpatient Stay	$10,655.71	$0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for health care providers to pursue a medical fee dispute.

Issue

Did the requestor waive the right to medical fee dispute resolution?

Findings

28 Texas Administrative Code §133.307(c)(1) states: "Timeliness. A requestor shall timely file with the Division's MDR Section or waive the right to MDR. The Division shall deem a request to be filed on the date the MDR Section receives the request. (A) A request for medical fee dispute resolution that does not involve issues identified in subparagraph (B) of this paragraph shall be filed no later than one year after the date(s) of service in dispute." The dates of the service in dispute are November 27, 2012 through November 28, 2012. The request for medical dispute resolution was received in the Medical Dispute Resolution (MDR) section on January 3, 2014. This date is later than one year after the date(s) of service in dispute. Review of the submitted documentation finds that the disputed services do not involve issues identified in §133.307, subparagraph (B). The Division concludes that the requestor has failed to timely file this dispute with the Division's MDR Section; consequently, the requestor has waived the right to medical fee dispute resolution.

Conclusion

The Division finds that the requestor has waived the right to medical fee dispute resolution for the services in dispute. For that reason, the merits of the issues raised by both parties to this dispute have not been addressed.

Authorized Signature

Signature	Medical Fee Dispute Resolution Officer	April 24, 2014 Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, *37 Texas Register 3833*, **applicable to disputes filed on or after June 1, 2012**.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).
Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.